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September 7, 2021

**Via ECF**

Honorable Taryn A. Merkl, U.S.M.J.  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

**Re: *Erika Herrera v. Hillside Auto Mall Inc., et al.***  
**Case No. 1:21-cv-4943 (FB)(TAM)**  
***Request for Additional Time to Respond to Complaint***

Dear Judge Merkl:

This firm represents Defendant Capital One, N.A. d/b/a Capital One Auto Finance (“Capital One”), improperly named in the Complaint in the above-referenced action as “Capital One Auto Finance, Inc. a division of Capital One, N.A.”<sup>1</sup>. Capital One respectfully requests an extension of time to answer, move, or otherwise respond to the Complaint, making the new deadline October 8, 2021. The deadline for Capital One to respond to the Complaint is currently September 8, 2021.

We attempted to contact Plaintiff’s counsel last week by email and telephone and again today to obtain his consent for the requested extension. However, Plaintiff’s counsel has not responded to our communications. There have been no requests for an extension of time for Capital One to respond to the Complaint. Counsel for Capital One is requesting the extension so that it has time to review Plaintiff’s allegations and investigate Plaintiff’s claims and to provide the parties additional time to continue their good-faith settlement negotiations.

Therefore, Capital One respectfully requests that the Court grant its request to extend the time to respond to Plaintiff’s Complaint up to and including October 8, 2021. No other dates or deadlines are affected by this request. We thank the Court for its consideration.

Respectfully Submitted,

/s/ Philip A. Goldstein

Philip A. Goldstein

PAG/slr

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<sup>1</sup> Capital One Auto Finance, Inc. is not an actual entity. Rather, Capital One Auto Finance is a “doing business as” moniker for defendant Capital One, N.A.

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cc:

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*Counsel for Defendants Hillside Automall  
Inc. d/b/a Hillside Auto Outlet and Liberty  
Autoland Inc.*

SO ORDERED:

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Hon. Taryn A. Merkl, U.S.M.J.